

Serial No. 09/811,869
Docket No. BAT 0018 IA/31089.83

REMARKS

Claims 1-21 are pending. Reexamination and reconsideration are requested in light of the accompanying remarks.

Applicants note that a Supplemental Information Disclosure Statement was filed April 8, 2004.

The declaration was stated to be defective because it was not executed. A signed declaration was mailed October 24, 2001 with a Response To Notice To File Missing Parts, and the Return Post Card was stamped by the Patent Office on January 4, 2002. A copy of the Response To Notice To File Missing Parts, the Return Post Card, and the Updated Filing Receipt are enclosed. Applicants respectfully request that the objection to the declaration be withdrawn.

The rejection of claims 1-21 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,656,537, over claims 1-23 of U.S. Patent No. 6,509,065, over claims 1-18 of U.S. Patent No. 6,497,924, over claims 1-15 of U.S. Patent No. 6,228,434, and over claims 1-29 of U.S. Patent No. 6,224,948 has been overcome. Appropriate terminal disclaimers accompany this response.

Serial No. 09/811,869
Docket No. BAT 0018 IA/31089.83

CONCLUSION

Applicants respectfully submit that, in view of the above response and remarks, the application is now in condition for allowance. Applicants respectfully request that claims 1-21 be passed to allowance.

If the Examiner has any questions or comments regarding the present application, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,

DINSMORE & SHOHL LLP

By Patricia L. Prior
Patricia L. Prior
Registration No. 33,758

One Dayton Centre
One South Main Street, Suite 500
Dayton, Ohio 45402-2023
Telephone: (937) 223-2050
Facsimile: (937) 223-0724

PLP/amm
Encls.